

## REMARKS

The present amendment is submitted in response to the Office Action dated November 15, 2007, which set a three-month period for response, making this amendment due by February 15, 2008.

Claims 1-10 are pending in this application.

In the Office Action, claim 8 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 2, 4, and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,237,228 to Fries in view of U.S. 20050184601 to Kweon et al. Claims 3, 5, 8, and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fries and Kweon et al in view of U.S. 2005/0012417 to Fasterding et al. Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fries and Kweon in view of U.S. Patent No. 5,907,199 to Miller.

In the present amendment, the specification has been amended to delete reference to the claims, to add standard headings, and to a cross reference to the related priority document.

Turning next to the rejection of claim 8 as indefinite, the term "pole pot" is a term of art which does indeed indicate a part of the housing structure which holds the bearing, as suggested by the Examiner. The Applicant directs the Examiner to page 5, first paragraph, of the specification, which indeed designates the housing part 16 as a type of "pole pot" configuration ("Figure 1 shows an electric machine 10, with which a rotor 13 that includes a rotor shaft 12

is supported in a housing part 16 designed as a pole pot 14”). The Applicant submits that the term “pole pot” is not indefinite as it is a term commonly used in the relevant technical field.

Looking next at the substantive rejections of the claims, the Applicant respectfully submits that claims 1-10 are not rendered obvious by the cited reference combinations.

The Applicant disagrees with the Examiner’s conclusion that the combination of Fries and Kweon renders obvious the subject matter of claim 1. Fries shows an electric motor with an armature shaft 1 and a rotor 2, which is mounted by means of a bearing 8 in a stator housing 4. The bearing 8 therefore is mounted in a cup 12, which is part of a gable 5, which in turn is formed as one-piece with the stator housing 4. The bearing 8 is mounted via a spring means 10 in the cup 12, whereby the springs 10 are axially secured by means of a lock ring 11, which is attached in the cup 12 (see Fries, column 2, lines 9 through 14 and Fig. 1). That is, according to Fig. 1, the bearing is fixed by means of the cup springs 10 on the bearing outer ring relative to the non-rotatable housing part cup 12.

Therefore, Fries does not provide any teaching or suggestion to the practitioner with regard to the embodiment of the spring element with an inner ring and an outer ring, which are axially resiliently connected to one another. Further, Fries fails to provide any suggestion that an outer ring of the spring element is connected with the rotor component. As can be seen from Fig. 1, the spring element 10 is not connected with the rotor 2, whereby the spring element

10 also does not rotate with the rotor 2, but is mounted fixed relative to the housing.

Kweon discloses a spring element with an inner ring and an outer ring, which are connected to one another via spring bars. However, this is a type of linear vibration motor", which does not have a rotor and therefore does not require that a rotor must be mounted by means of a roller bearing. In contrast, as shown in Fig. 4, the movable unit 20 can move only linearly relative to the housing 10, so that the practitioner also is provided with no teaching or suggestion for mounting a rotor shaft with a roller bearing in a housing.

A practitioner with the object of compensating the longitudinal play of a rotor bearing of a rotary-type motor would not consult Kweon if seeking to modify Fries. Therefore, a combination of these two references constitutes impermissible hindsight.

In addition, an impermissible combination of the two references still would not render obvious connecting the outer ring of a spring element with the rotor of an electric motor, so that the spring element rotates with the rotor relative to the housing. The attachment of the outer ring to the rotor component according to the present invention offers the distinct advantage that the spring element can be premounted onto the rotor and thus the tolerance between the inner ring and the rotor shaft can be formed correspondingly large.

The cited reference to Festerding shows a shaft bearing in a bearing plate, but again provides no suggestion of attaching a spring element with an outer ring on the rotor component. Likewise, the subject matter of Miller lies far from

that of the present invention, since while the armature shaft 72 is mounted by means of washers 70, no suggestion is provided for connecting the outer ring of a spring element with the rotor 80.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

Finally, in this amendment, new dependent claim 11 has been added, which defines that the outer ring is attached directly to an end face of an armature lamination core, which has multiple lamella layers. Support for new claim 11 can be found in the specification in Figs. 1 and 3, on page 3, lines 2-4 and page 5, last paragraph.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,  
/Michael J. Striker/  
Michael J. Striker

Attorney for Applicant(s)  
Reg. No. 27233  
103 East Neck Road  
Huntington, New York 11743  
631-549-4700